

UNITED STATES GOVERNMENT

Memorandum

TO : SAC (89-69)

DATE: 3/16/67

FROM : SA EDWARD J. CARNEY, JR..

SUBJECT: ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY,
DALLAS, TEXAS, 11/22/63
MISC - INFO CONCERNING

Attached is chronological news reports re preliminary
hearing on 3/16/67:

EJC:sam
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89-69-1716

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RUNNING LOG
PRELIMINARY HEARING OF CLAY L. SHAW
March 16, 1967

10:10 a.m.

BILL SLATTER, WDSU radio, announced that the Grand Jury expected to question DEAN ANDREWS (this will be second appearance before Grand Jury). ANDREWS at one time acted as attorney for LEE HARVEY OSWALD and told Warren Commission three years ago that a man he called CLAY BERTRAND called him right after assassination and asked him to represent OSWALD. GARRISON says BERTRAND and SHAW are same man.

Another man subpoenaed by the Grand Jury is GORDON NOVELL, with address of the Jamaican Village (a small night club on Bourbon St.)

PERRY RUSSO entered courthouse over an hour ago and is expected to take stand and Defense Attorney DYMOND will in all likelihood resume intensive cross examination in attempt to discredit RUSSO, the man who identified SHAW on Tuesday as one of three men who plotted to assassinate President KENNEDY.

Late yesterday roommate of DAVE FERRIE, another important figure in the KENNEDY assassination probe, JAMES LEWALLEN, was subpoenaed by GARRISON and may be called to the stand by GARRISON today.

11:30 a.m.

WVL-TV reported that PERRY RUSSO is still on stand. This morning for the first time, hypnosis was introduced into the testimony. Defense attorney DYMOND in cross examination asked RUSSO if he had ever been hypnotized and RUSSO said yes, three times, by Dr. FATTER, private New Orleans physician. RUSSO said he was hypnotized sometime after 2/24/67 when he first came to New Orleans after making a statement in Baton Rouge that he had heard FERRIE planned to assassinate the President.

Conversation centered around hypnosis by Dr. FATTER, which RUSSO said occurred on three periods in the office of Orleans Parish Coroner Dr. CHETTA. Also stated in response to questioning by DYMOND that he had not been hypnotized on the first day of the preliminary hearing, had not been hypnotized yesterday and was not under hypnosis at the present time.

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11:30 a.m. cont'd

At this point RUSSO had trouble remembering exactly what time he had been hypnotized. He never actually stated the exact time he was put under hypnotic trance. He stated "I am extremely tired. I'm only telling you what I'm absolutely sure about".

He was asked what Dr. FATTER did, what procedures he used. RUSSO stated he would rather Dr. FATTER be asked about that. He said FATTER asked many questions and tried to get him to remember things. He said he couldn't talk about his procedure. RUSSO relaxed sitting down. RUSSO said all he remembers is being asked questions.

The hypnosis part was long and involved, RUSSO said the three times occurred between 2/24/67 and 3/13/67. DYMOND asked what questions RUSSO was asked and what method was used. RUSSO kept saying he was tired the whole period from 2/24/67 to 3/13/67.

RUSSO was asked, when he saw FERRIE after the assassination, why didn't he question him about the assassination. DYMOND asked RUSSO if he ever talked to FERRIE about whether his plan to kill the President had succeeded. RUSSO said no, he didn't. DYMOND asked why he hadn't asked him. RUSSO said, you never argue with FERRIE. He was very intelligence and had all the answers.

At one time RUSSO referred to FERRIE as being a "fallen man" when he saw him for the first time after the assassination. He said FERRIE was complaining about ~~pr~~ police procedures or being hounded by the police.

DYMOND asked if RUSSO had any suspicion that LEE HARVEY OSWALD was the same LEON OSWALD he met in FERRIE's apartment, and why hadn't he called the FBI. RUSSO said he was trying to get through school, things were tough, etc. and that after all, the FBI said OSWALD did the assassination and did it alone. RUSSO said he was not going to fight the Federal Government.

3.

1130 a.m. cont'd

DYMOND said it took the Warren Commission a long time to come to the conclusion OSWALD acted along. One of the main facts was that RUSSO had never talked to FERRIE afterwards about the assassination. RUSSO said he saw him four or five times after the assassination. FERRIE talked about the DA's office a couple of times.

At this point, one of the reporters questioned DEAN ANDREWS, JR., concerning whether he had heard rumor he might be arrested, whether he asked for automatic immunity before the grand jury, whether he gave the grand jury any more information than he gave the reports, which was slight, but ANDREWS gave run-around answers.

12:40 p.m.

WWL news reported the first major crack developed in questioning during last session. RUSSO admitted he had seen OSWALD clean shaven before the assassination and previously RUSSO testified he did not recognize pictures of OSWALD because OSWALD was bearded at the time of the alleged conspiracy meeting. ~~XXXXXX~~ Under questioning by DYMOND, RUSSO now testified he had seen OSWALD leaving for Houston about the first week in October 1963. He said OSWALD was very neat appearing and clean shaven. This was the first time he had seen him like that, previously he had been sloppily dressed, hair disheveled. Said ~~early on~~ the FBI and Warren Commission determined OSWALD left NO 9/25/63 for Houston, however, RUSSO said in the early part of October. DYMOND jumped on that and asked why, if he had seen him clean shaven, why he could not identify him from photos, which also showed OSWALD clean shaven. RUSSO said he only saw him for about 8 or 10 minutes apparently at FERRIE's house, but he did not take too much notice of him.

He then went on to the point about the alleged conspiracy meeting. DYMOND asked RUSSO what part he played in the assassination plot. RUSSO stated he had no part. RUSSO was asked if he said to the rest of the group he wanted to see KENNEDY killed and he said he never said

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12:40 p.m. cont'd anything like that nor did he indicate any violent feelings toward the President. Seems very insistent he saw OSWALD for about 10 minutes, clean shaven and well dressed. Insisted on claiming because he only saw him for 10", he cannot recognize him.

News reported probability of releasing to news media copy of the picture of OSWALD with beard and disheveled hair. This is apparently a retouched photo, probably a police mug shot of LEE HARVEY OSWALD. This is the one RUSSO was shown in the DA's office. He was shown picture of OSWALD without beard and without disheveled hair; they added the beard and disheveled hair and he recognized this as LEON OSWALD.

He testified earlier he had never seen a picture just like this of OSWALD. Said he remembered seeing pictures of OSWALD with a rifle, a pistol, also a baby picture, and picture taken by WWL of OSWALD handing out pamphlets on Canal Street.

DYMOND asked RUSSO whether he expressed any violent feelings to the other people about wanting to see the President killed and RUSSO said no. He was asked if he contributed anything to the plan. RUSSO said no. He was asked if he had been on a friendly basis with OSWALD, and RUSSO said no, he had not. He did not feel it was a friendly basis, he liked FERRIE but did not particularly like OSWALD; felt OSWALD was antagonistic.

DYMOND asked RUSSO if he was told not to tell anyone about the plot. He said both OSWALD and BERTRAND seemed hesitant about talking. When the four started talking after everyone else left, OSWALD looked at FERRIE and asked "What the hell is he doing here?", speaking about RUSSO, but FERRIE smoothed things over and told him RUSSO was all right, that he didn't know anything.

4a.

12:40 p.m. cont'd

The reporters said they did not expect RUSSO's cross examination to be over. They advised when DYMOND asked RUSSO what was asked of him under hypnosis, this allows the DA's office to call DR. CHETTA and FATTER and question them as to what was asked.

(The reporters advised it is being discussed in chambers the possibility of night and Saturday sessions).

Testimony concluded during last session with DYMOND asking RUSSO to identify the locations of the other three alleged conspirators in the apartment. He took a drawing of FERRIE's apartment and asked RUSSO to mark the exact location of the four people during the conspiracy plot. (RUSSO advised he was brought into the DA's office and looked through a one-way mirror, several people walked through, and one of them he identified as the man at the meeting, CLAY SHAW, he said they never told him who the man was).

RUSSO said during the assassination plot, FERRIE moved around the room quite a bit, BERTRAND sat on a sofa. OSWALD was in the corner by the piano most of the time and earlier in the evening had been speaking to some Spanish speaking guy. Later during the meeting he placed OSWALD at the piano and moving to the sofa.

All the pictures DYMOND had of FERRIE's apartment on 3/11/67 were introduced as evidence. Assistant DA also introduced some State pictures of FERRIE's apartment taken 3/22/67.

Recessed until around 2:00 p.m.

5.

12:40 pm (cont'd)

Reporter said that RUSSO is possibly not telling the truth or is a very very cautious witness who, unless absolutely sure about everything he says, will spend quite a bit of time qualifying himself. He does tend to ramble on a bit in his testimony but this might be his demeanor. He sometimes doesn't answer questions directly. RUSSO said he saw SHAW once before at the speech when KENNEDY was dedicating the Nashville Ave. Wharf in 1961 or 1962. He saw SHAW at the back of a group there, that SHAW stood out to him because he was the only one not watching the president. He testified that he thought he was a Secret Service agent and mentioned to his friend that the guy must be a secret service agent because he was the only one not looking at the president.

DEAN ANDREWS, JR. testified before Grand Jury this morning and departed after about one hour testimony; he talked to newsmen as he went out. They asked if it was true that he was relieved of duties as Assistant District Attorney of Jefferson Parish and he said they would have to talk to his boss, FRANK LANGRIDGE. In contact with LANGRIDGE he said he would not confirm or deny that ANDREWS had been fired, he simply said the duties of Mr. ANDREWS would be handled by someone else.

At 1:00 p.m. new witness, GORDON NOVELL, will testify in Grand Jury. Not known how he fits into the case.

Representative of both DA's Office and SHAW's attorneys to sit with the three judges in chambers to find out about the time element. Mentioned possibility of night sessions.

Unless RUSSO repudiates great part of testimony, the moment he identified CLAY SHAW as CLAY BERTRAND, the man he saw at FERRIE's apartment, they proved probable cause and that this was sufficient for the DA, if he wanted to, to go to trial.

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2:30 p.m.

WDSU radio reported DEAN ANDREWS, JR., appeared before Orleans Parish Grand Jury for second time. Reported ANDREWS was suspended as Assistant DA in Jefferson Parish. ANDREWS appeared by himself today, previously had been accompanied by an attorney.

A subpoena was issued for GORDON NOVEL to appear before grand jury. NOVEL, who owns Jamaican Village, a bar in the 800 block of North Rampart, had not previously been linked with the case.

ANDREWS was asked if he knew why he had been summoned by the grand jury a second time. He shook his head but did not reply.

Jefferson Parish DA LANGRIDGE stated he wrote a letter 3/15/67 to ANDREWS, suspending him until GARRISON's prove is concluded. DA stated suspension is no indication of wrong doing but felt publicity brought on the Jefferson Parish DA's office justified the action.

ANDREWS said NOVEL was a friend and client.

In interview, NOVEL said GARRISON wanted to question him about events in 1961 which involved former Cuban exile leader SERGIO ARCHACHA. ARCHACHA lived in New Orleans in 1961 and headed anti-Castro group which had headquarters at 544 Camp Street, New Orleans. When LEE HARVEY OSWALD was arrested in New Orleans in August, 1963, while distributing pro-Castro "Fair Play for Cuba" literature, some of the literature contained the address 544 Camp; the Warren Commission said they could find no connection between OSWALD and the address.

GARRISON aides have attempted to question ARCHACHA in Dallas. ARCHACHA would not submit to questioning unless Dallas authorities were present; GARRISON would not agree to this.

Grand Jury also questioned a young man who told a newsman his name was TOMMY CLARK. CLARK said he had not been subpoenaed but asked to appear by one of GARRISON's assistants.

2:55 p.m.

WWL-TV reported that DYMOND wanted to know exactly what he meant by triangulation of fire, or cross fire, that RUSSO testified to two days ago. RUSSO said yes, that was discussed, and had to go into background about FERRIE telling him during the Summer of 1963 before the meeting, discussing President Eisenhower possibly in New Orleans. He said a woman came up ~~thx~~ to the President and opened her purse; that actually proved if a person did not have enough regard for their life, they could get close enough to kill somebody, to kill a President. They used the case of the President of Mexico. FERRIE told RUSSO if two persons were to shoot at the President of Mexico, or three persons were to shoot, the man in the background would fire first, which would cause all the spectators to turn around, and the other men would fire the real shots. One man and maybe two would have to be sacrificed. He stated there would not be a decoy, all three of the men would fire at the president. No mention was made as which three might fire at the President.

RUSSO was asked who was going to take part in the conspiracy. RUSSO said they never named names, did not place anyone anywhere in any particular role. He was asked by DYMOND if Dallas was ever mentioned. RUSSO said he never heard it.

STEVE PLOTKIN, attorney for NOVEL, advised entered the building today and told me personally and Mr. NOVEL he would not be called to testify and would be called next Thursday to appear before grand jury. PLOTKIN was asked if he will represent NOVEL, and replied it is up to NOVEL, he has no reason to believe he won't represent him.

PLOTKIN advised there may be a conflict in his representation because he is representing four people involved: JACK MARTIN, DAVID LEWIS and the owner of the property where FERRIE died, and now NOVEL. PLOTKIN advised all of the facts have not been developed and we do not have the whole picture.

8.

2:55 p.m. cont'd

He was asked whether MARTIN and LEWIS have been called recently to talk to the grand jury. PLOTKIN advised they have not been to his knowledge. PLOTKIN was asked whether NOVEL is a friend of ANDREWS and knows CLAY SHAW. PLOTKIN said he ~~KNOWS~~ knows ANDREWS and he does not care to comment as to whether he knows SHAW.

3:30 p.m.

WDSU radio reported that PERRY RUSSO finally left the stand.

They reported the Orleans Parish Criminal Grand Jury met today; ANDREWS appeared. One other witness appeared to testify before the grand jury but he was not heard. The grand jury went out of session.

3:53 p.m.

WWL-TV reported in the last session the defense tried to discredit the credibility of the Orleans Parish Coroner CHETTA as to whether or not he was qualified as to hypnosis, which RUSSO was under when he gave information to the DA's office.

Defense filed a subpoena with what sounded like a member of the Department of Immigration. Apparently trying to establish that LEE HARVEY OSWALD did cross the border and not re-enter about the time he supposedly was in New Orleans and RUSSO saw him here; that means someone from the U. S. Customs will appear.

The State ^{called} called Dr. CHETTA and ~~asked~~ him an expert in the field of medicine and psychiatry. CHETTA stated he had been called upon by Criminal Court Judges and the DA's office in the past to examine or psychoanalyze persons. State questioned CHETTA about legal medicine and CHETTA said this was authorized by State Legislature. Judge BAGERT asked him how many lunacy commissions he had served on and CHETTA replied 300 or 400.

He was asked what narco-analysis (ph) was. CHETTA said it was a drug induced state of hypnosis, persons put in a semi-conscious

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3:53 p.m. cont'd

state to hear and answer questions and recall the past and reveal things they normally do not care to reveal. He stated the two drugs administered under norco-analysis are sodium pentothal and sodium amathol. He stated with control, the drug can somewhat lessen a person's inhibitions. A person under sodium pentothal can lie, but experienced administrators of the drug can detect the lie.

He was asked who was present: He advised he was present with RUSSO when he was administered the drug at 3:30 p.m., 2/27/67. Two persons from the DA's office were present. CHETTA accompanied RUSSO to Mercy Hospital in an operating room and two doctors were present.

This was five days after RUSSO wrote the letter to the DA from Baton Rouge re the conspiracy.

Also present besides Dr. CHETTA were Dr. WALL, Dr. ZERPANIK (ph), a nun, plus someone from the DA's office.

The defense objected to this. CHETTA stated norco-analysis is a psychiatric treatment and the defense objected on the basis that a truth induced test is not admissible in court, and cited a U. S. Supreme Court ruling.

4:20 p.m.

WWL-TV reported the Judges want to examine the issue of whether they allow CHETTA to introduce testimony about a truth serum test that RUSSO took.

Basically, if this testimony by CHETTA is introduced saying RUSSO took a truth serum test, it bolsters the credibility of the witness, RUSSO. The defense does not want this introduced; the State wants it introduced.

There is a rumor MARINA OSWALD is believed to be in the criminal courts building somewhere.

10.

4:20 p.m. cont'd

Subpoena was issued by defense for records of U. S. Immigration office in New Orleans. Reporters looked at subpoena and advised it concerns MANUEL GARCIA GONZALES, who allegedly has records that can prove that PERRY RUSSO is not a creditable witness. Did not go into any great explanation except to say he has been subpoenaed to appear at preliminary hearing and has definite evidence that PERRY RUSSO is not a creditable witness.

5:10 p.m.

Court adjourned for day, until 10:00 a.m.,
3/17/67.